



Posted: 10/21/11 NF

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STATE OF DELAWARE  
**DEPARTMENT OF STATE**

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DIVISION OF PROFESSIONAL REGULATION

<b>PUBLIC MEETING NOTICE:</b>	<b>BOARD OF PHARMACY</b>
<b>DATE AND TIME:</b>	<b>Wednesday, September 21, 2011</b>
<b>PLACE:</b>	Conference Room A, Cannon Building 861 Silver Lake Blvd., Dover, DE 19904
<b>APPROVED:</b>	October 19, 2011

**MEMBERS PRESENT**

Geoffrey N. Christ, Esq., R.Ph, Professional Member, President  
Joli Martini, R.Ph, Professional Member, Vice President  
Sandra Robinson, R.Ph, Professional Member  
Don Holst, R.Ph, Professional Member  
Jay Galloway, Public Member  
Matthew Maher, Public Member  
Ron Sherman, Public Member

**MEMBERS ABSENT**

Sebastian Hamilton, R.Ph, Professional Member  
Howard Simon, R.Ph, Professional Member  
David W. Dryden, R.Ph., J.D., Executive Secretary

**DIVISION STAFF/DEPUTY ATTORNEY GENERAL PRESENT**

Allison Reardon, Deputy Attorney General  
Nancy Fields, Administrative Specialist II  
Alicia Kluger, Pharmacy Compliance Officer  
Samantha Nettesheim, Pharmacist Administrator

**ALSO PRESENT**

Trent Beach  
Cheryl Heiks  
Suzanne Raab-Long  
Scott Bell

**CALL TO ORDER**

Mr. Christ called the meeting to order at 9:30 a.m.

**REVIEW OF MINUTES**

A motion was made by Ms. Martini, seconded by Ms. Robinson, to approve the meeting minutes for August 17, 2011 as amended. Mr. Christ and Mr. Holst abstained from the vote. The motion carried.

## **PRESIDENT'S REPORT**

Mr. Christ reported that, at this time, the Committee member appointments are going to remain the same but if any of the Board members have changes to please let him know.

## **UNFINISHED BUSINESS**

### Legitimate Medical Purpose – Internet Pharmacy Proposal

No report.

### Complaint Status

The Division of Professional Regulation has received the following complaints. The statuses of each are listed below. Those listed as “assigned” are under investigation by the Division and have been assigned to a Board contact person.

13-28-08 – Forwarded to Office of Attorney General  
13-29-08 – Forwarded to Office of Attorney General  
13-31-08 – Forwarded to Office of Attorney General  
13-36-08 – Forwarded to Office of Attorney General  
13-37-08 – Forwarded to Office of Attorney General  
13-39-08 – Forwarded to Office of Attorney General  
13-03-09 – Forwarded to Office of Attorney General  
13-04-09 – Forwarded to Office of Attorney General  
13-06-09 – Forwarded to Office of Attorney General  
13-12-09 – Forwarded to Office of Attorney General  
13-13-09 – Forwarded to Office of Attorney General  
13-15-09 – Forwarded to Office of Attorney General  
13-20-09 – Forwarded to Office of Attorney General  
13-25-09 – Forwarded to Office of Attorney General  
13-28-09 – Forwarded to Office of Attorney General  
13-29-09 – Forwarded to Office of Attorney General  
13-01-10 – Forwarded to Office of Attorney General  
13-03-10 – Forwarded to Office of Attorney General  
13-04-10 – Forwarded to Office of Attorney General  
13-05-10 – Forwarded to Office of Attorney General  
13-08-10 – Assigned  
13-09-10 – Forwarded to Office of Attorney General  
13-10-10 – Assigned  
13-11-10 – Assigned  
13-12-10 – Assigned  
13-13-10 – Assigned  
13-14-10 – Assigned  
13-15-10 – Assigned  
13-16-10 – Assigned  
13-17-10 – Assigned  
13-18-10 – Assigned  
13-19-10 – Assigned  
13-20-10 – Assigned  
13-21-10 – Assigned  
13-22-10 – Assigned  
13-01-11 – Assigned  
13-02-11 – Assigned  
13-03-11 – Assigned

13-04-11 – Assigned  
13-05-11 – Assigned  
13-06-11 – Assigned  
13-07-11 – Assigned  
13-08-11 – Assigned  
13-09-11 – Assigned  
13-10-11 – Assigned  
13-11-11 – Assigned  
13-12-11 – Assigned  
13-13-11 – Assigned  
13-14-11 – Assigned

## **NEW BUSINESS**

### **Letter from Rite Aid Pharmacist on the 15-minute promise**

Mr. Christ read a letter to the Board from a Rite Aid pharmacist regarding the 15-minute promise and the impact that it can have on public safety. Mr. Christ stated that Ms. Olivia-Davis is going to do research to see if Delaware could possibly adopt the state of New York's language regarding this which could possibly resolve this issue in Delaware pharmacies. The Board will continue to look into this problem.

### **Pharmacist-In-Charge (PIC)**

Mr. Christ conducted a PIC interview for Scott Bell.

### **Pharmacist Licensure Ratifications**

A motion was made by Mr. Holst, seconded by Mr. Sherman, to ratify the applications of Charlotte Meyer, Ada O'Connor, Jennifer Wood, Kristen Hawkinson, Katherine Kim, Lilian Parisotto, Chelsea Anne Stratowski, Dipal Patel, Minh Hoang, and An Minh Tang. The motion unanimously carried.

### **Facility Licensure Approval Ratifications**

A motion was made by Ms. Martini, seconded by Ms. Robinson, to ratify the approval of the applications of PharmScript, LLC, Ocean Breeze Healthcare, Compound Care Plus Pharmacy, New York RX, Inc., BioRx, LLC., Biotek Remedys, Shayona Pharmacy, Logistics Health Incorporated, LifeScience Logistics, Corporate Services, Inc. dba Archway Marketing Services, Inc., Stat Rx USA, LLC., WG Critical Care, LLC., AmerisourceBergen Drug Corporation, Citra Labs, LLC., Dispensing Solutions, Inc., Pharma-C, Inc., Arrow International, Inc., Exel, Inc., CaridianBCT, Inc., Generics Bidco I, LLC., Dendreon Distribution, LLC dba Dendreon. The motion unanimously carried.

### **Facility Licensure Application Reviews**

Due to having a past disciplinary action on its record, the Board reviewed five whole distributor files with Ms. Reardon.

A motion was made by Ms. Robinson, seconded by Mr. Maher, to approve UPS Supply Chain Solutions, Inc. contingent upon receiving an updated disposition of charges on an employee criminal background check. The motion unanimously carried.

A motion was made by Ms. Robinson, seconded by Ms. Martini, to approve Exel, Inc. contingent upon receiving an updated disposition of charges on an employee criminal background check. The motion unanimously carried.

A motion was made by Ms. Robinson, seconded by Ms. Martini, to approve Medi-Nuclear, LLC. for licensure. The motion unanimously carried.

A motion was made by Ms. Robinson, seconded by Ms. Martini, to approve Taro Pharmaceuticals, USA for licensure. The motion unanimously carried.

A motion was made by Ms. Robinson, seconded by Mr. Sherman, to approve Fisher Clinical Services contingent upon receiving a copy of the consent agreement. The motion unanimously carried.

#### Sign Decision and Order

The Board signed the Decision and Order for Tim Ingraham.

A motion was made by Ms. Martini, seconded by Mr. Sherman, to skip down the agenda to allow Ms. Reardon time to review the recommendations. The motion unanimously carried.

#### Memo from Mr. Collins Regarding Upcoming Legislative Session

The Board reviewed Mr. Collins letter regarding upcoming legislative session. The Board stated that as previously discussed, legislation may be required for issues such as drug take back and collaborative care. Members will discuss with Mr. Collins.

#### Discussion of Electronic Signatures on Prescriptions

Pharmacists should be certified in order to prescribe e-script.

#### Discussion of Adding Emergency Distribution Provisions

The Board determined that there is already language Regulation 8.1.1.2 regarding emergency distribution. When requested, the Executive Secretary and a Board member can approve the request for emergency distribution and then the Board will be notified at its next meeting.

#### Request to Lift Probation

Mr. Grossett is requesting that his probation be lifted. The Board determined that the Decision and Order for Mr. Grossett stated that his probationary period could end after 10/20/11.

A motion was made by Mr. Sherman, seconded by Mr. Galloway, to table its decision until the following meeting to allow Mr. Grossett additional time to provide the Board proof of completion of counseling, negative drug testing, and that he is still in compliance with no pending action in New Jersey. The motion unanimously carried.

#### Committee Reports

##### **Joint Practice Committee – Don Holst**

The report submitted by Mr. Holst showed that 10 Nurse Practitioners and 1 Certified Nurses Assistant were approved for prescriptive authority in September.

##### **Physician's Assistant Report – Sebastian Hamilton, R.Ph:**

No report.

##### **Newsletter – Sandy Robinson, R. Ph., David Dryden, R.Ph., J.D, and Joli Martini, R. Ph.:**

Ms. Robinson reported that the current newsletter recently went out.

**Legislative – Sandy Robinson, R.Ph, Howard Simon, R.Ph, Sebastian Hamilton, R.Ph, Don Holst, R.Ph, Geoffrey Christ, R.Ph., Esq., David Dryden, R.Ph., J.D. and Jay Galloway:**

Mr. Christ has asked Ms. Davis-Oliva for bullets regarding the marijuana distribution issue. Each county has its own sites for distribution.

**Continuing Education – Sandy Robinson, R. Ph., Geoffrey Christ, R.Ph., Esq., and Joli Martini, R. Ph.:**

No report.

**Consumer Affairs – Jay Galloway:**

No report.

**Professional Liaison – Sandra Robinson, R.Ph. and Joli Martini, R.Ph:**

Ms. Robinson reported that the Delaware Pharmacist's Society Board Meeting was held on September 20, 2011 at the Levin Center in Smyrna. The Board is considering a Board seat for a pharmacy student. They will be having a golf tournament at the end of April or May 2012 and a Silent Auction at the Convention in May for fundraisers. The Diabetic Screening program was quite successful and they plan to reinstitute Katy's Kids Poison Prevention Program for kids. DPS Pharmacy social being planned for a date in October and the Board member retreat is in November.

Bayhealth and CSL Behring are sponsoring the Fifth Annual Pharmacy Week Dinner on October 19, 2011 at the Sheraton Dover Hotel beginning at 6:00 pm.

The Delaware Society of Health-System Pharmacists is sponsoring its Fall Clinical Series on October 6, 2011 at Abbott's Grill in Milford beginning at 6:00 and on November 2, 2011 at Washington Street Ale House in Wilmington beginning at 6:00 pm. 2 C.E. credits are available at each meeting for attending. One must RSVP to attend.

**MPJE Study Committee – Don Holst, R.Ph, Sebastian Hamilton, R.Ph, David Dryden and Alicia Kluger:**

No report.

**Controlled Substance Liaisons – Geoffrey Christ, Howard Simon, Jay Galloway, and Dave Dryden:**

The next meeting is scheduled for December 7, 2011 at 9:00 am at Buena Vista.

**Substantially Related Crimes Committee - Geoffrey Christ, Jay Galloway, and Dave Dryden:**

Mr. Dryden, Mr. Galloway, and Mr. Christ will meet before the next meeting to discuss the proposed amendments.

**Review of Hearing Officer Recommendations - CE Audit Hearings**

The Board and DAG reviewed and discussed the recommendation for Clifford Haack. A motion was made by Mr. Holst, seconded by Mr. Maher, to accept the hearing officer's recommendation and issue him a letter of reprimand, require that he take an additional 3 hours of continuing education and be certain that he be flagged for next renewal cycle. The motion unanimously carried.

The Board and DAG reviewed and discussed the recommendation for Bernard Walker. A motion was made by Mr. Holst, seconded by Ms. Robinson, to accept the hearing officer's recommendation for no discipline. The motion unanimously carried.

The Board and DAG reviewed and discussed the recommendation for Ujjwala Shenoy. A motion was made by Ms. Robinson, seconded by Mr. Sherman, to accept the hearing officer's recommendation that Ms. Shenoy be ordered to pay a civil penalty of \$500.00 within 90 days, suspend her license indefinitely, complete 14 hours of continuing education for this passed renewal period, be flagged for audit next renewal and make a written request to the Board to have suspension lifted. Mr. Holst abstained from the vote. The motion carried.

The Board and DAG reviewed and discussed the recommendation for Jennifer Hall. The Board was unable to determine exactly how much continuing education was due. A motion was made by Mr. Holst, seconded by Ms. Martini, to table its decision until the recommendation be clarified and corrected to show the correct amount of CE due. The motion unanimously carried.

The Board and DAG reviewed and discussed the recommendation for Hyang Kyun Park. A motion was made by Mr. Holst, seconded by Ms. Robinson, to accept the hearing officer's recommendation that Ms. Park be ordered to pay a civil penalty of \$150.00 within 90 days, and issue her a letter of reprimand, and flag her for next renewal cycle audit. The motion unanimously carried.

The Board and DAG reviewed and discussed the recommendation for Thomas Sparks. A motion was made by Ms. Robinson, seconded by Ms. Martini, to accept the hearing officer's recommendation that Mr. Sparks be ordered to pay a civil penalty of \$150.00 within 90 days, and issue her a letter of reprimand, complete 6 hours of continuing education for this passed renewal period and flag him for next renewal cycle audit. The motion unanimously carried.

### **Board Correspondence**

The Board reviewed a memo from the Institute for Safe Medication Practices regarding their concerns over the safety issues with Rite Aid's and other pharmacies who are promoting the speed of dispensing patient prescriptions and are rewarding patients with gift cards if it takes longer than 15 minutes.

The Board also reviewed a correspondence from NABP regarding their response to the ISMP letter and another one from NABP regarding First DEA-Approved System for Processing Controlled Substance e-prescriptions in Use.

### **Executive Secretary and Inspection Report - David Dryden and Alicia Kluger**

The following inspections and activities were completed during the last 30 days:  
2 nursing homes, 1 hospital pharmacy, 4 routine pharmacy inspections, 4 controlled substances audits, 1 surgery center, 4 drop-ins, 1 gas provider, 1 hospital inspections, 1 pharmacy provider, 2 pharmacy remodels, and 1 automated pharmacy installations.

Ms. Nettesheim, Ms. Kluger, Ms. Simon, and Mr. Dryden attended the Controlled Substance Committee meeting held on August 24, 2011. The PMP and the tamper-proof prescription programs/updates were discussed. The Physician's Assistant (P.A.) issue of in-hospital use of the hospital registration, P.A. separate registrations for separate supervisors, and P.A. prescription labeling were introduced to the Committee as current concerns.

Mr. Akin, Ms. Nettesheim, and Mr. Dryden met and reviewed the third draft of the PMP contract on September 7, 2011. This contract will be updated with edits accordingly and then sent to Allison Reardon, DAG for review.

Ms. Nettesheim and Mr. Dryden met and reviewed the PMP plan with Cindy Denmark, R.Ph., Delaware Medicaid.

The inspection team has observed an increase in the number of employees theft reported by pharmacies in the past few weeks.

Ms. Kluger is reporting that she finds prescriptions from Physician's Assistants that do not comply with the Medical Practice Regulations. An e-mail was sent to Ms. Davis-Oliva addressing this issue. A response is pending.

### **Other Business before the Board**

There was no other business before the Board.

### **Public Comments**

There were no comments from the public; however, Mr. Galloway asked if there is any kind of follow-up done on information brought to the Board from the public, such as the physician's assistant (PA) issue. Ms. Reardon advised him that her and Ms. Davis-Oliva are in the process of reviewing the PA issue.

Mr. Christ advised the Board and the public that the new drug of choice on the streets is called "bath salts" and causes PCP-like reactions and hallucinations and causes neurological damage. It is a very dangerous drug. More information will be available soon regarding this issue.

Mr. Sherman stated that the emergency procedures worked well during Hurricane Irene. Pharmacists are considered essential personnel for levels 1 & 2. Pharmacist IDs are required to drive and will be on a volunteer basis. Because winter is coming up, it was suggested that this information be put in the newsletter.

### **Next Scheduled Meeting**

The next meeting is scheduled for October 19, 2011.

### **Adjournment**

There being no other business before the Board, a motion was made by Ms. Robinson, seconded by Mr. Galloway, to adjourn the meeting. The meeting was adjourned at 11:30am.

Respectfully submitted,



Nancy Fields  
Administrative Specialist II